

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WILLIAM ESCALARA,

Plaintiff,

v.

No. 9:04-CV-0983  
(FJS/DEP)

T. CHARWAND, C.O., et al.,

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR PLAINTIFF:**

WILLIAM ESCALARA, *Pro Se*

**FOR DEFENDANTS:**

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
The Capitol  
Litigation Bureau  
Albany, New York 12224-0341

BRUCE J. BOIVIN, ESQ.  
Assistant Attorney General

**FREDERICK J. SCULLIN, JR., S.D.J.:**

**ORDER**

Presently before the Court is Magistrate Judge David E. Peebles February 19, 2008 Report-Recommendation in which he recommends that defendants' motion for summary judgment dismissing plaintiff's complaint be granted and that plaintiff's

complaint be dismissed in all respects, without prejudice as to defendants West, C. Lambard, Baldwin, and J. Roch, but otherwise with prejudice. The Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, the Court

**ORDERS** that the Report-Recommendation of Magistrate Judge David E. Peebles filed February 19, 2008, is for the reasons stated therein, **ACCEPTED** in its entirety and the Court further

**ORDERS** that defendants' motion for summary judgment dismissing plaintiff's complaint is **GRANTED**, and that plaintiff's complaint is dismissed in all respects, without prejudice as to defendants West, C. Lambard, Baldwin, and J. Roch, but otherwise with prejudice, and the Court further

**ORDERS** that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

**IT IS SO ORDERED.**

DATED: March 12, 2008  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge